

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: February 1, 2005

COUNCIL MEETING TIME: 7:00 p.m.

ITEM TITLE OR DESCRIPTION:

BID 04-08, PHYSICALS FOR FIREFIGHTERS. These physicals will be used for Oconee County Rural volunteer firefighters.

BACKGROUND OR HISTORY:

Oconee County has historically paid the cost of required physicals for volunteer firefighters.

SPECIAL CONSIDERATIONS OR CONCERNS:

The NFPA 1582 guidelines, 2000 edition, require that volunteer firefighters have physicals to verify fitness to perform the duties of a firefighter.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Recommend that County Council approve award of contract of physical examinations for Rural Fire to Oconee Family Practice in the estimated amount of \$29,856. Each physical cost approximately \$155.50. We solicited from 10 local doctors, but only received one response. The bid from Oconee Family Practice is responsive and their bid prices did not increase from their prior bid. Oconee Family Practice has performed firefighter physicals for the past five years. Rural Fire is very satisfied with their performance and cost.

FINANCIAL IMPACT:

Rural Fire was budgeted \$30,000 for physicals in the 2004-2005 budget and will request a similar amount in future budgets.

ATTACHMENTS:

Bid Tabulation Sheet

Submitted or Prepared By:


Department Head/Elected Official

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Other

C: Clerk to Council

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: February 1, 2005
COUNCIL MEETING TIME: 7:00 pm

ITEM TITLE OR DESCRIPTION:

Reallocating funds for Rural Fire

BACKGROUND OR HISTORY:

A contingency transfer in the amount of \$18,000 was approved and designated for the Haz-Mat account at the January 4th, 2005 Council meeting. Cpuj has confirmed this by checking the minutes and tape recording of the meeting. Finance has already prepared a transfer for this amount to be placed in account 010-102-30024-60890 which is designated for the Haz-Mat account.

SPECIAL CONSIDERATIONS OR CONCERNS:

We are requesting that County Council reallocate those funds from Haz-Mat and designate the money in the General Rural Fire Capital account.

STAFF RECOMMENDATION:

We recommend that the County Council approved this request described in this agenda item and place it formally into County Council minutes.

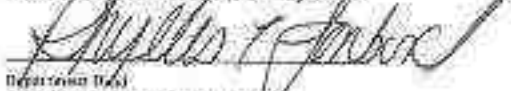
FINANCIAL IMPACT:

Reallocating funds in the amount of \$18,000 from account 010-102-30024-60890 to 010-102-30024-00000.

ATTACHMENTS:

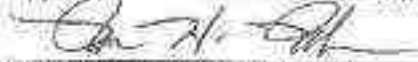
Please acknowledge the attached sheet.

Submitted or Prepared By:



Reviewed By/ Initials:

Approved for Submittal to Council:



Ron H. Rabun, County Administrator

_____ County Attorney

_____ Finance

_____ Other

C: Clerk to Council

This message was sent with high importance.

Pat Baxter

From: Phyllis E. Lombard
To: Pat Baxter; Ronald Burns
Cc: Ogal Green; Tim Reiter
Subject: Contingency Transfer \$18,000
Attachments:

Sent: Thu 1/20/2005 3:06 PM

The contingency transfer that was approved at the January 4th, 2005 council meeting in the amount of \$18,000 was designated for Haz-Mat. Ogal has confirmed this by checking the minutes and tape recording of the meeting. I have prepared a transfer for this amount to be placed in account 010-102-30024-60890 which is designated for Haz-Mat. It is my understanding that Rural Fire had asked that this money be designated for general rural fire capital. If this is the case it will require the action of council to reallocate these funds. Please prepare and agenda item summary sheet and submit to Finance for signatures to place on the next council agenda. If you have questions please contact me.

Phyllis Lombard, CGFO

Director of Administrative Services & Finance

415 S Pine Street Walhalla, SC 29691

864-638-4235

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: February 1, 2005
COUNCIL MEETING TIME: 7:00 pm

ITEM TITLE OR DESCRIPTION:

Oconee Community Theatre and Blue Ridge Arts Council: Joint request to County for Summer Youth Program (Child's Play 2005) funding

BACKGROUND OR HISTORY:

In past years, the Oconee Community Theatre and the Blue Ridge Arts Council have provided separate summer programs for the youth of Oconee County centered on their disciplines of drama and art. This year, they are developing a collaborative summer program for children aged 5-17. The program will integrate the various elements of a true theatre production in the two to three week instruction, culminating in a revue for the public.

Students will be able to participate in their area of choice; music, dance, set design, costume design, writing, and drama. During the course of the program, the students will write, both skits and music, choreograph dance, design costumes and sets, and rehearse for performance. A director will coordinate the selection and hiring of instructors, purchasing of materials, scheduling of sessions, and student registration. Planning for the project should begin in the spring of 2005 to facilitate smooth program operation.

Students will be charged a standard admission fee, although there will be scholarships available to students who demonstrate need. Costs for the program will include director's salary, teachers' hourly pay, materials for costume and set design, publicity, and snacks for the students. Staff will be recruited from our local county schools as well as from Clemson University.

SPECIAL CONSIDERATIONS OR CONCERNS:

Oconee Community Theatre requests \$5,000 additional funding as soon as possible in order to schedule the summer youth program. Funds allocated will help pay for director's salary, teachers' hourly pay, materials for costume and set design, publicity, and snacks for the students.

No funds have been budgeted for this purpose in the current budget.

STAFF RECOMMENDED OPTIONS:

1. Do not fund this year.
2. Consider funding in the supplemented budget (late February 2005)
3. Transfer \$5,000 from Council Contingency

FINANCIAL IMPACT:

\$5,000 if approved must come from Council Contingency

ATTACHMENTS:

Submitted or Prepared By:



Business Unit

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Other

C: Clerk to Council

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

"CHILD'S PLAY"

Oconee Community Theatre
and
Blue Ridge Arts Council

June, 2005

In the past years, the Oconee Community Theatre and the Blue Ridge Arts Council have provided separate summer programs for the youth of Oconee County centered on their disciplines of drama and art. This year, they are developing a collaborative summer program for children aged 3-17. The program will integrate the various elements of a true theater production in the two to three week instruction, culminating in a revue for the public.

Students will be able to participate in their area of choice; music, dance, set design, costume design, writing, and drama. During the course of the program, the students will write, both skits and music, choreograph dance, design costumes and sets, and rehearse for performance. A director will coordinate the selection and hiring of instructors, purchasing of materials, scheduling of sessions, and student registration. Planning for the project should begin in the spring of 2005 to facilitate smooth program operation.

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Bill Chiusano
Business Manager

P.O. Box 221
Seneca, SC 29679

Re/Fax: 864-882-1511
Cell: 864-710-5532
Email: aconect@nova.net

1/12/04

AGENDA ITEM SUMMARY
OCCONEE COUNTY, SC
COUNCIL MEETING DATE: 2/1/05
COUNCIL MEETING TIME: 7:00 pm

ITEM TITLE OR DESCRIPTION:

Third & final reading of Ordinance 2005-01

BACKGROUND OR HISTORY:

This ordinance needs to be adopted to correct a section of the current Animal Control Ordinance.

SPECIAL CONSIDERATIONS OR CONCERNS:

Our current ordinance states a holding time of three days before an animal is euthanized, state law states the animal has to be kept five (5) days. We are adhering to the state law at this time.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Adoption of this ordinance on third and final reading to include amendment of reference to all animals.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Submitted or Prepared By:

Opal O. Green
Department Head/Elected Official

Approved for Submittal to Council:


Ron H. Rahm, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Other

C: Clerk to Council

OCONEE COUNTY COUNCIL

ORDINANCE 2005-01

AN ORDINANCE AMENDING ORDINANCE 2004-22, THE OCONEE COUNTY
ANIMAL CONTROL ACT

SECTION I: TITLE

The title of this ordinance shall be "Oconee County Animal Control Act,"
replacing Oconee County Ordinances 2004-22.

SECTION II: DEFINITIONS

As used in this ordinance, the following terms are defined as below:

- 2.1: Animal: Every non-human species of animal.
- 2.2: Animal Control Officer: Any person designated by the State of South Carolina or County Governing Authority of Oconee County as a Law Enforcement Officer pursuant to S.C. Code §47-3-30.
- 2.3: Animal at large: Any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.
- 2.4: Animal Rescuer: Any recognized group or person who routinely obtains an unwanted dog or cat and/or who finds an adoptive home for that spayed or neutered dog or cat.
- 2.5: Animal Shelter: Any premises designated by the county governing body for the purpose of impounding, care, or destruction of animals held under authority of this Ordinance and/or State Law.
- 2.6: Humane Society: South Carolina Society for Prevention of Cruelty to Animals.
- 2.7: Humane Society Officer: Any officer or employee of the Humane Society.

2.8: Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be declared to be harbored if it is fed for three consecutive days or more, unless said person, partnership or corporation has notified Animal Control to pick up the stray animal.

2.9: Pet or Companion Animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

2.10: Abandoned/Stray Animal: Any animal unattended for a period of more than three days.

2.11: Public Nuisance Animal: Any animal or animals, except those raised for food and/or food products, that unreasonably annoy humans; endanger the life or health of other citizens (other than their owners), or interfere with a citizen's enjoyment of life or property.

The term "Public Nuisance Animal" shall mean and include, but is not limited to, any animal that:

- a) is found at large after written complaint has been filed;
- b) damages the property of anyone other than its owner;
- c) molests or intimidates pedestrian or passerby;
- d) excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

e) causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every twenty four (24) hours or washing of same into an approved underground disposal systems every twenty four (24) hours;

f) has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or

g) does not have attached a valid current rabies inoculation tag as required by State Law.

2.12: Under Restraint: Animals shall be deemed under restraint if it is on the premises of its owner or keeper or is accompanied by its owner or keeper and under the physical control of such owner or keeper by means of restraining devices, or under the verbal command, or under the active control of the owner or trainer while hunting or being trained and while on property of the owner or with the property owner's permission.

2.13: Dangerous Animal: (A) An animal:

(1) which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals; or

(2) which;

(a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by South Carolina Code Section 47-3-720; or

(b) commits unprovoked acts in a place other than the place where the animal is confined as required by South Carolina Code Section 47-3-720 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being, or

(3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or

(4) which attacks, bites, or injures a human being or domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

(B) An animal is not a "dangerous animal" solely by virtue of its breed or species.

2:14: Potentially Dangerous Animal: An animal that chases or approaches any person or domestic animal, anywhere, other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack including, but not limited to, behavior such as growling or snarling.

SECTION 3: AUTHORITY

This ordinance is adopted pursuant to the provisions of Sections 47-3-26, et. seq., Code of Laws of South Carolina, 1976.

SECTION 4: RESTRAINT

4.1: All animals shall be kept under restraint.

4.2: No owner shall fail to exercise proper care and control of his animal to prevent him from being a public nuisance.

4.3: Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

4.4: Every dangerous animal and potentially dangerous animal, as determined under this Ordinance shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

SECTION 5: BITING OR ATTACKING PERSONS

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the rabies control officer in the Department of Health and Environmental Control. Whenever the Animal Control Officer or Humane Society Officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the Oconee County Department of Health and Environmental Control of such bite or attack and shall cooperate with the said health department in impounding and quarantining such animal.

SECTION 6: IMPOUNDMENT AND VIOLATION NOTICE

6.1: Unrestrained and nuisance animals, upon receipt of a written complaint signed by the complainant, may be taken by Law Enforcement Officials and/or Animal Control Officers and impounded in the Oconee County Animal Shelter and there be confined in a humane manner.

In addition to, or in lieu of, impounding an animal at large, the Animal Control Officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense. The owner shall be charged a penalty of One Hundred

(\$100.00) dollars for the second violation. One Hundred Twenty-Five (\$125.00) dollars for the third violation and One Hundred Fifty (\$150.00) dollars for each subsequent violation. Said penalties shall be made payable to the Treasurer of Oconee County and paid at the Oconee County Animal Shelter within ten business days from the date of issuance in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period described, a bench warrant shall be issued by a magistrate and upon conviction of this ordinance, the owner shall be punished as provided in Section 12 of this ordinance. In addition, the owner shall be required to pay a fee of five dollars (\$5.00) per day for each day the animal is boarded by the County, actual cost for inoculation of the animal (if applicable) and a five dollar (\$5.00) impoundment fee. In addition, at the discretion of the animal shelter, a thirty dollar (\$30.00) fee and mandatory sterilization of the animal may be required if the animal is impounded on more than one (1) occasion. Five dollars (\$5.00) shall be the impoundment fee and twenty-five (\$25.00) shall help defray the cost of sterilization. The sterilization shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful to the animal due to reasons of age or health or that the animal has already been sterilized.

6.2: Notwithstanding the above, an Animal Control Officer and/or Law Enforcement Officer may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.

6.3: Impounded dogs and cats shall not be kept for fewer than five (5) working days.

6.4: If by tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or certified mail. Any identifiable animal, not appearing to be abandoned, upon notification of the owner by telephone or certified mail, shall not be kept for fewer than ten (10) days.

6.5: Abandoned animals shall be impounded and shall be kept for no fewer than five (5) working days.

6.6: Any owner reclaiming an impounded dog or cat shall pay the fee provided for in section 6.1 before the animal can be released.

6.7: Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies the owner shall cause the animal to be inoculated at the owner's expense.

6.8: Any animal not reclaimed by its owner within five (5) working days, or in the case of a positively identifiable animal within ten (10) days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely disposed of as approved by State Law.

6.9: The Animal Shelter Director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.

6.10: It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.

6.11: It shall be unlawful to resist or hinder Animal Control Officers or Law Enforcement Officers engaging in the capture and impoundment of an animal. It shall be

unlawful to give false information to an Animal Control Officer or Law Enforcement Officers.

6.12: It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.

SECTION 7: DANGEROUS ANIMALS

7.1: The Animal Control Officer and Law Enforcement Officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has attacked, bitten, or injured any human being or domestic animal. The animal shall be kept at the Oconee County Animal Shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal's status as a dangerous animal. In the event that an animal bites a member of the animal owner's family, and the animal owner requests that the animal be impounded by the animal owner, the Animal Control Officer or Law Enforcement Officer may, in his or her discretion, allow the animal owner to impound said animal on said animal owner's property.

7.2: Upon impounding a potentially dangerous animal or a dangerous animal that has attacked, bitten or injured a human being or a domestic animal, a determination hearing should be conducted within five (5) business days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The Magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such

determination such as veterinarians or dog obedience trainers. The Magistrate shall issue written findings within five (5) business days after the hearing. The owner of such animal shall have a right to appeal the decision to the Court of Common Pleas of Oconee County within ten (10) days of receiving such decision of the Magistrate.

7.3: An animal determined to be dangerous as determined in 7.2 which has attacked or causes injury to a human being or a domestic animal may be ordered destroyed by the Magistrate when in the Magistrate's judgment the dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the Humane Society or law enforcement officer. A Magistrate may return a dangerous animal to the owner if the Magistrate finds that the animal will not pose a threat to human being and/or domestic animals and that the owner has and will fully comply with Sections 7.4. and 7.5 of this Ordinance.

7.4: The owner of a dangerous animal shall secure and confine said dangerous animal on owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two (2) feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five (5) feet by ten (10) feet and not less than six (6) feet high.

7.5: No person owning or harboring or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

SECTION 8: POTENTIALLY DANGEROUS ANIMAL

8.1: The Animal Control Officer or Law Enforcement Officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has chased or approached any person or domestic animal, on property other than the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to behavior such as growling or snarling. The animal shall be kept at the Oconee County Animal Shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal status as a potentially dangerous animal. The Animal Control Officer or Law Enforcement Officer may, in his or her discretion, allow the animal owner to impound said animal on said animal owner's property.

8.2: Upon impounding a potentially dangerous animal, the determination should be conducted within five (5) days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The Magistrate shall determine whether to declare the animal to be a potentially dangerous animal based on the evidence of testimony presented at the hearing by the owner, witnesses to any incidences, and any other persons possessing information pertinent to such determination such as veterinarians or dog obedience trainers. The Magistrate shall issue written

findings within five (5) days after the hearing. The owner of such animal shall have the right to appeal such a decision to the Court of Common Pleas of Onondaga County within ten (10) days of receiving the decision of the Magistrate.

8.3: Upon a finding that an animal is a potentially dangerous animal, the Magistrate may order that the animal be forfeited by owner or owners and placed with an agency willing to accept custody of said animal or may return said animal to owner if the owner has and will comply with Sections 8.4 and 8.5 of this Ordinance.

8.4: The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two (2) feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five (5) feet by ten (10) feet and not less than six (6) feet high.

8.5: No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

SECTION 9: ANIMAL CARE

9.1: No owner shall fail to provide for his animals with the necessary substance, shelter, and veterinary care when needed to prevent suffering and humane care and

treatment. All animals shall be kept in a clean and sanitary condition. The premises upon which animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

9.2: No owner of an animal shall abandon such animal.

9.3: Any animal found abandoned and not properly care for, appearing to be diseased or injured past recovery for any useful purpose may be lawfully destroyed by an agent of DHEC, Law Enforcement Officer, Animal Control Officer or Officer of the Humane Society by a method approved by State Law.

9.4: Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owners property by the Animal Control Officer or Law Enforcement Officer and impounded at the Oconee County Animal Shelter, provided however that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.

9.5: The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

SECTION 10: STERILIZATION

No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will be sterilized within thirty (30) days for adults and a specified date in the contract for pups and kittens, provided however, the county provides a program whereby the spay/neuter is included with the adoption fee.

No animal shall be released for adoption from the Oconee County Animal Shelter that has not been sterilized, provided however, that the County or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

SECTION 11: ENFORCEMENT

The civil and criminal provisions of the ordinance shall be enforced by those persons or agencies by the county authority. It shall be a violation of this ordinance to interfere with an Animal Control Officer or Law Enforcement Officer in the performance of his/her duties. The Magistrate of Oconee County shall have the authority to issue a bench warrant in the enforcement of this Ordinance.

SECTION 12: PENALTIES

12.1: Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall for every offense, be guilty of a misdemeanor and be punished by imprisonment in jail not exceeding thirty (30) days or by a fine not exceeding five hundred dollars (\$500.00). In addition, upon conviction of any violation under this article a court may order an animal forfeited by the owner or owners and placed with an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated; or the owners have been convicted of allowing the animal to run at large on two or more previous occasions.

SECTION 13: APPLICABILITY OF RABIES CONTROL ACT

The provisions of South Carolina Code Section 47-5-10 et seq., commonly known as the Rabies Control Act are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this ordinance, except insofar as the

provisions of such act may conflict with or be less restrictive than the provisions of this ordinance.

SECTION 14: CONFLICTING ORDINANCES

All other ordinances of the County of Oconee that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 15: SEVERABILITY CLAUSE

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this ordinance.

DONE AND RATIFIED on First Reading this _____ day of _____, 2005, by a vote of:

_____ : YES

_____ : NO

_____, Clerk

DONE AND RATIFIED on Second Reading this _____ day of _____, 2005, by a vote of:

_____ : YES

_____ : NO

_____, Clerk

DONE AND RATIFIED on a Third and final Reading this _____ day of _____, 2005, by a vote of:

_____ : YES

_____ : NO

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: 02/01/05
COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

Armed Forces Tax Payment Deferment - Personal and Real Property

To extend the payment period for personal and real estate property tax for Military personnel serving in or near a hazard duty zone.

BACKGROUND OR HISTORY:

Reference: SC Code of Laws 12-39-360, SC Temporary Revenue Procedure #03-2

SPECIAL CONSIDERATIONS OR CONCERNS:

The Auditor, Treasurer and Tax Collector wish to alleviate possible hardships that may result from personal and/or real estate property taxation. This Ordinance will benefit those currently serving in or near a hazard military duty zone and those who may serve in the future.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

The following departments: Treasurer, Auditor and Tax Collector of Oconee County highly recommend Oconee County Council approve the attached Ordinance.

FINANCIAL IMPACT:


The loss of 15% penalty fees and delinquent tax costs. The Veterans Affairs Director estimates that approximately 200 Oconee residents are serving in a hazard combat zone.

ATTACHMENTS:

Submitted or Prepared By:


Linda R. Nix, County Auditor


Linda A. Shugart, County Tax Collector


Anne C. Dodd, County Treasurer

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

C: Clerk to Council

Reviewed By/ Initials

County Attorney


Finance

Questions posed by Council on 1/18/05

1. *What is the length of time of the payment extension* – Oconee County would abide by the 180 days set by the State through SC Temporary Revenue Procedure #03-2
2. *Does the Ordinance cover vehicles*. Yes, this would cover real estate and personal property.

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2005-02

"AN ORDINANCE EXTENDING THE FILING & PAYMENT OF TAXES FOR PERSONS SERVING IN THE ARMED FORCES OR NATIONAL GUARD IN HAZARDOUS DUTY ZONES"

WHEREAS, the Oconee County Council wishes to extend the date for filing tax returns and the payment of property taxes for persons serving with the United States Armed Forces or National Guard in or near a hazardous duty zones; and

WHEREAS, the Department of Revenue allows the time for filing and paying the individual income taxes of affected military personnel and their spouses until 180 days after they leave the hazardous duty zone, and allows penalties and interest due as a result of any extension be waived,

NOW THEREFORE, BE IT ORDAINED, that the Oconee County Council extends the date of payment of personal property and real estate taxes for persons serving with the United States Armed Forces or National Guard in or near a hazardous duty zone to 180 days after they leave the combat area and to waive any penalties and interest due as a result on the extension.

*180 Days
after released
from active duty

Constance Moore
Chair*

State of South Carolina
Department of Revenue
301 Gervais Street, P. O. Box 125, Columbia, South Carolina 29214

SC TEMPORARY REVENUE PROCEDURE #03-2

SUBJECT: Tax Relief for Military Personnel Serving in the Persian Gulf Area

EFFECTIVE DATE: Applies to all periods open under the statute.

SUPERSEDES: All previous advisory opinions and any oral directives in conflict herewith.

REFERENCES: S. C. Code Ann. Section 12-4-320(6) (Supp. 2000)

AUTHORITY: S. C. Code Ann. Section 12-4-320 (Supp. 2000)
S. C. Code Ann. Section 1-23-10(4) (Supp. 2000)
SC Revenue Procedure #03-1

SCOPE: The purpose of a Temporary Revenue Procedure is to provide immediate procedural guidance to the public and Department personnel. It is a written statement issued to assist in the administration of laws and regulations by providing guidance that may be followed in order to comply with the law. **A Revenue Procedure is an advisory opinion; it does not have the force or effect of law and is not binding on the public.** It is, however, temporary, and is binding on agency personnel only until superseded or modified by a change in statute, regulation, court decision, or advisory opinion.

By Executive Order No. 12944, the following Persian Gulf area locations (and airspace above) were designated as a combat zone beginning January 17, 1991:

- The Persian Gulf
- The Red Sea
- The Gulf of Oman
- The part of the Arabian Sea that is north of 10 degrees latitude and west of 68 degrees east longitude
- The Gulf of Aden, and
- The total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates.

SECTION 12-4-320. Permissive powers and duties; rules, regulations, rulings, decisions; agreement or compromise as to taxpayer liabilities.

The department may:

- (1) make rules and promulgate regulations, not inconsistent with law, to aid in the performance of its duties. The department may prescribe the extent, if any, to which these rules and regulations must be applied without retroactive effect;
- (2) upon written application, determine the tax effects of transactions and the tax liability of taxpayers upon facts furnished to it, and it may revoke or modify the rulings if the facts should develop differently later. The department, in its discretion, may publish these rulings. This publication may be in brief hypothetical form so as to give all pertinent facts and decisions without violating the provisions of Section 12-54-240;
- (3) compromise any tax, interest, or penalty imposed by this title or other law assigned to it and may return to the owner, in whole or in part, any goods seized or confiscated;
- (4) enter into a written agreement with a person with regard to a tax liability. If the agreement is approved by the director, it is final and conclusive and the case may not be reopened by administrative or judicial action or otherwise, except in cases of fraud, malfeasance, or misrepresentation;
- (5) publish its findings and decisions in all controversies resolved by it. This publication may be in brief hypothetical form so as to give all pertinent facts, decisions, and reasons without violating the provisions of Section 12-54-240;
- (6) for damage caused by war, terrorist act, or natural disaster or service with the United States armed forces or national guard in or near a hazard duty zone; extend the date for filing returns, payments of taxes, collection of taxes, and conducting audits, and waive interest and penalties.

South Carolina Code Section 12-4-320(6) allows the Department to establish special tax relief procedures and assistance programs for military personnel, and states that the Department may:

for damage caused by war, terrorist act, or natural disaster or service with the United States armed forces or national guard in or near a hazard duty zone, extend the date for filing returns, payments of taxes, collection of taxes, and conducting audits, and waive interest and penalties.

The purpose of this advisory opinion is to summarize the special relief provisions available to military personnel stationed in the Persian Gulf area. The special tax relief procedures and assistance programs are available to military personnel serving in Iraq as part of "Operation Iraqi Freedom," military personnel serving in direct support of military operations in the Persian Gulf area combat zone and who qualify for special military pay for duty subject to hostile fire or imminent danger, and their spouses.

Extension of Time to File and Pay Taxes

The Department has extended the time for filing and paying the individual income taxes of affected military personnel and their spouses until 180 days after they leave the Persian Gulf area combat zone. These tax relief provisions also apply during any period of hospitalization resulting from injuries or illness incurred while serving in these areas.

Documentation Required Upon Filing a Return

A taxpayer filing a return extended under the provisions of this document should attach to the back of the return a copy of his or her military orders establishing participation. Further, "Operation Iraqi Freedom" should be written across the top of the tax return.

Penalties and Interest

The Department will waive any penalties and interest due as a result of any extensions or suspension of collection activities granted under this document. Penalties and interest due as a result of the failure to pay estimated taxes will be waived for any estimated taxes due while the individual taxpayer is participating in Operation Iraqi Freedom in the Persian Gulf area combat zone.

Penalties and interest will be assessed, however, if the income tax returns are not filed or taxes paid by the extended due date authorized by the Department. The Department will review all other tax liabilities with respect to penalties and interest on a case by case basis.

If a taxpayer is inadvertently assessed failure to file or pay penalties or interest which are waived pursuant to this document, the taxpayer should submit a request for waiver in writing. The request and any documentation should be sent to:

Problems Resolution Office
P.O. Box 11189
Columbia, South Carolina 29211-1189
Attn: Operation Iraqi Freedom

Collection Activities

The Department will suspend the enforced collection of any assessed liability of a taxpayer participating in Operation Iraqi Freedom in the Persian Gulf area combat zone during the time period the taxpayer is serving in these areas if the assessed liability is (1) the sole obligation of the taxpayer or (2) the joint obligation of the taxpayer and his or her spouse. The Department will review all other tax liabilities with respect to the possible suspension of enforced collections on a case by case basis.

The Department will reinstate collection activities of any assessed liabilities suspended pursuant to this document within a reasonable time after the taxpayer returns from service in the Persian Gulf area combat zone, but no sooner than 180 days beyond the period of service in these areas as part of Operation Iraqi Freedom.

Combat Pay

South Carolina has adopted Internal Revenue Code Section 112 which excludes certain combat pay from the definition of "gross income." To the extent that combat pay is exempt from federal income tax, the combat pay will also be exempt from South Carolina income tax.

Taxpayer Assistance

Other State Taxes: Other South Carolina tax matters concerning military persons and their families affected by Operation Iraqi Freedom will be reviewed by the Department on a case by case basis.

Additional assistance may be obtained at the Department's Taxpayer Service Centers listed below.

| | | |
|------------|--------------------------------|----------------|
| Charleston | 1 Southpark Circle, Suite 202 | (803) 852-3600 |
| Columbia | 301 Gervais Street | (803) 898-5000 |
| Florence | 1452 West Evans Street | (843) 661-4850 |
| Greenville | 211 Century Drive | (864) 241-1200 |
| Rock Hill | 454 S. Anderson Rd., Suite 202 | (803) 324-7641 |

County Property Taxes: Questions concerning county property taxes should be addressed to the individual counties.

Federal Income Tax: A copy of Internal Revenue Service Publication 3, "Armed Forces' Tax Guide," can be found on the IRS website at <http://www.irs.gov/pub/irs-pdf/p3.pdf>.

In addition, the Internal Revenue Service has established a toll-free number, 1-866-562-5227, that military personnel and their spouses who are affected by the combat zone rules may call to discuss any federal income tax matter.

SOUTH CAROLINA DEPARTMENT OF REVENUE

Burnet R. Maybank III
Burnet R. Maybank III, Director

March 28, 2003
Columbia, South Carolina

SECTION 12-39-360. Extension of date for filing returns and payment of property taxes.

A county may extend the date for filing returns and the payment of property taxes for persons serving with the United States Armed Forces or National Guard in or near a hazard duty zone.

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE

WHEREAS, On January 18, 2005, the Oconee County Council adopted Ordinance # XXX to extend the date for filing returns and the payment of property taxes for persons serving with the United States Armed Forces or National Guard in or near a hazard duty zone; and

WHEREAS, the Department of Revenue allows the time for filing and paying the individual income taxes of affected military personnel and their spouses until 180 days after they leave the hazard duty zone, and allows that penalties and interest due as a result of any extension be waived.

NOW, THEREFORE, BE IT ORDAINED that the Oconee County Council extends the date of payment of personal property and real estate taxes for persons serving with the United States Armed Forces or National Guard in or near a hazard duty zone to 180 days after they leave the combat area and to waive any penalties and interest due as a result of the extension.

AND IT IS SO ORDAINED this 18th day of January, 2005.

Oconee County Council

Frank Ablas, Chairman

OCONEE COUNTY ARMED FORCES TAX DEFERMENT APPLICATION

S.C. Code of Laws 12-39-360 allows a county to extend the date for filing returns and the payment of property taxes for persons serving with the United States Armed Forces or National Guard in or near a hazard duty zone. This application must be completed for the purpose of renewing or obtaining a South Carolina license plate of a military person serving in or near a hazard duty zone (as defined by S. C. Temporary Revenue Procedure #03-2).

The serviceperson on whose behalf this application is filed elects to defer payment of property taxes on this said property until their return.

VEHICLE DESCRIPTION

Make _____ Year _____ Model _____

Vin# _____ Tag# _____

Reflects taxes through _____

PROPERTY DESCRIPTION

Name on deed of property _____

TMS # _____ Deed page/Reference# _____

NAME AND ADDRESS OF OWNER

Name _____

Address _____

Location of Deployment _____

Date of Deployment _____

Date _____

I hereby agree to pay the deferred taxes pursuant to S.C. Code of Laws 12-39-360

Soldier or Personal Representative (with
Power of Attorney)

Approved by _____
Auditor

_____ Copy of Deployment Orders _____ Blue Card Number _____

_____ Checked Military ID _____ Tax Receipt Number _____

AGENDA ITEM SUMMARY
OCCONEE COUNTY, SC
COUNCIL MEETING DATE: 2/1/05
COUNCIL MEETING TIME: 7:00 pm

ITEM TITLE OR DESCRIPTION:

Second Reading of Ordinance 2005-04

BACKGROUND OR HISTORY:

The passing of new legislation by the SC Legislature last year gave employers like Oconee County the opportunity to rewrite their employment handbooks to reinstate the employment-at-will doctrine. According to our outside labor counsel, this can be best completed through the County Administrator's publishing a new set of Personnel Policies. The policy will include a new section on non-fraternization and ethics. Council conducted first reading of this ordinance January 18, 2005.

SPECIAL CONSIDERATIONS OR CONCERNS:

None

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Adoption of this ordinance on second reading.

FINANCIAL IMPACT:

Reduction of potential liability for Oconee County.

ATTACHMENTS:

Submitted or Prepared By:

Opal O. Green
Department Head/Elected Official

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Other

C: Clerk to Council

**OCONEE COUNTY COUNCIL
ORDINANCE 2005-04
AN ORDINANCE REVOKING OCONEE COUNTY ORDINANCE 97-14 AND
ALL SUBSEQUENT AMENDMENTS THERETO.**

WHEREAS, Oconee County has adopted the Oconee County Personnel Policies and Procedures Manual in Ordinance 97-14; and

WHEREAS, the Oconee County Personnel Policies and Procedures Manual has been amended by the Oconee County Council a number of times since it was enacted in 1997; and

WHEREAS, Oconee County is now governed by the Council-Administrator form of government, which results in the Administrator having specific expertise in personnel matters;

NOW THEREFORE, BE IT ORDAINED BY the County Council of Oconee County, duly assembled that Oconee County Ordinance 97-14 and all subsequent amendments are hereby revoked and the Administrator of Oconee County is authorized to write and implement Personnel Policies and Procedures on behalf of Oconee County.